

My friend, the Republican Senator from West Virginia, has said: "As a person who represents an almost all-rural State . . . I'm concerned about how we are going to be able to incent the private dollars to go to the less-populated, less-economically developed areas of our country, because the investments are just as important."

The bottom line is this, an investment bank infrastructure plan like the one the President is proposing is a sure loser in Congress. A Goldman Sachs infrastructure plan just will not work, except for a few. It would turn over a public good to the whims of private finance, who will not build infrastructure where America needs it. They will build it where they can make a buck, and that means tolls paid by working Americans and middle-class Americans. That means rural areas will not get the support they need. That means any project that can't generate user fees or taxes—like repairing our schools or water sewer systems—will not get done.

There is no free lunch. When the private sector wants to finance infrastructure, they naturally—that is our free enterprise system—want to get repaid, but who is going to repay them? The average American: the truckdriver who is scratching out a living, the salesman or saleswoman who is scratching out a living, the family who is going on vacation and has to stop every 30 miles for another big toll, the small business that depends on roads to get the goods to and from that business location.

If the President truly wants to rebuild our Nation's infrastructure, he has to approach this issue in a bipartisan way. There are several Republicans who don't want the Federal Government to spend any more money on infrastructure, but the majority of Senators of both parties probably do. The President needs to sit down with Democrats and work something out if he wants to get something done. He hasn't sat down with Democrats. He doesn't seem to want to. There are even reports that the President is considering doing infrastructure on reconciliation. That means just Republican votes, a huge mistake.

Republicans have been tied in a knot here in Washington. The President has been tied here in a knot in Washington because he insists on going at it alone.

Look at the entire Trump administration agenda. President Trump ran against both the Democratic and Republican establishments—a populist, if you will, but he has thrown his lot, since he has become President, with hard-right conservatives and is now pursuing an agenda entirely through the partisan process Republicans once decried—healthcare, reconciliation; taxes, the same. Now infrastructure? The one area where we kept the President out of it, the appropriations process worked swimmingly well. Leader MCCONNELL and I, Senators COCHRAN and LEAHY, and the House Members got together in a bipartisan way and we

worked it out. We each thought we had some victories. It worked, but I had to stand at this desk and tell our Republican colleagues to keep the President out of it because it will bullocks everything up. Fortunately, they did. Maybe we can do that again.

I would say to the President: Mr. President, you can spend your entire first-term agenda trying to jam through partisan bills. That would be a shame because America needs to get moving again. On infrastructure, this is an issue where we really have some common ground. That is why Senate Democrats put forward a trillion-dollar infrastructure plan that would create millions of jobs and actually fix our crumbling roads and bridges, invest in every corner of America, with particular attention to rural America.

We stand ready and willing to work with the President on that plan or something similar that actually achieves what he promised on the campaign trail.

#### HEALTHCARE LEGISLATION

Mr. SCHUMER. Mr. President, another matter: healthcare. According to reports, Republican Senators were planning to use the State work period last week to rewrite their healthcare bill. Well, now we are back in session, and unfortunately my friends on the other side of the aisle don't seem to be any closer to having a bill. If they do have one, they are hiding it and going down the same path as House Republicans—drafting a bill that will impact tens of millions in secret, no transparency, no committee hearings, no debate.

Even with all this secrecy, more and more Republicans seem increasingly pessimistic about finding a Republican-only bill that can get 50 votes in the Senate. Over the weekend, the senior Republican Senator from North Carolina, Mr. BURR, said: "I don't see a comprehensive health-care plan this year."

Just yesterday, Senator THUNE, a member of the Republican leadership, said the Republicans may rush a healthcare bill to the floor before they know if it has the support of their caucus.

Well, my friends on the other side of the aisle are learning how difficult it is to refigure our healthcare system under a process with only votes from one party—the so-called reconciliation process—and do it in a way that actually improves our healthcare, not devastate it, as the House bill would.

I hope my Republican friends will realize the only way we will get votes necessary to pass a healthcare bill is to drop repeal and work with Democrats to improve our healthcare system, not to sabotage it. We stand ready and willing to work with our Republican colleagues to further stabilize the insurance markets, build on the progress we have made in healthcare. In fact, we are running out of time before the 2018 rates are locked in.

Most insurance companies are saying they are raising rates because of the uncertainty Republicans continue to inject into the market. The President has not come out permanently for cost-sharing, which would reduce premiums and keep people in the market. They just sort of do it one at a time, and that is going to make the markets worse.

The public already unfortunately will blame those in charge—our Republican friends and the President—for the mess, as much as they would like to look past—as much of our colleagues on the other side of the aisle want to point fingers. People want something done now. They don't want fingers of blame pointed back at what happened 5 years ago or 8 years ago.

We Democrats don't want to tear everything down and start over again. Let's keep all the progress—the 20 million more Americans insured, the kids who can stay on their parents' plan, the protections for folks with pre-existing conditions—and find ways to make even more progress on bringing down costs for consumers and improving the quality of care.

I yield the floor.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the Elwood nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Courtney Elwood, of Virginia, to be General Counsel of the Central Intelligence Agency.

The PRESIDING OFFICER. The majority whip.

#### HEALTHCARE LEGISLATION

Mr. CORNYN. Mr. President, I came to the floor to talk about other matters, and I will get to those in a moment. I can't help but be struck by the Democratic leader's sudden interest in addressing healthcare reform.

It is a fact that even if Hillary Clinton were elected President of the United States, we would be revisiting the failed promises of the Affordable Care Act. For example, premiums, since 2013, have gone up 105 percent in the individual market. Those are people who don't have employer-provided coverage or aren't on Medicare or Medicaid. Small businesses and individuals who have to go out and purchase their

healthcare have seen premiums go up 105 percent.

We hear stories every day—and I will recount some of those from Texas—where people say they have zero choices. For example, in Iowa, we learned there are no insurance companies that are willing to sell health insurance on the individual market. That isn't because of anything that President Trump or the Republican majority have done. These are the failures of ObamaCare.

President Obama made extravagant promises about ObamaCare, none of which has really proven to be true. He said he would bring down premiums \$2,500 for a family of four. Well, these folks in the individual market have seen their premiums go up 105 percent since 2013. He said that if you like your policy, you could keep your policy. That proved not to be true because unless you bought the government-approved healthcare policy, insurance companies couldn't sell it on the exchanges. He said: If you like your doctor, you can keep your doctor.

But as people found out when their policies changed, frequently the doctors in the network they could see changed. People saw premiums go up. They lost coverage they liked, and they lost the doctor they had confidence in.

So the suggestion of the Democratic leader that somehow this current situation is a result of President Trump or congressional action is ludicrous. I think people understand that, but I just couldn't resist responding a little bit to what he had to say, because sometimes when people don't respond they assume there isn't a response, and clearly there is.

#### TRIBUTE TO TEXAS MILITARY ACADEMY APPOINTEES

Mr. President, it is good to be back at work here in Washington after a work week at home. I had the honor, starting on Memorial Day, of spending some time with Texas's newest recruits to our country's military academies.

Every year, now for the 11th year, I have had the privilege of hosting an academy sendoff ceremony in "Military City U.S.A.," my hometown of San Antonio. This annual gathering recognizes the bright young Texans who have accepted an appointment to one of the premier military academies that serve our Armed Forces, and I am always proud to celebrate the incredible achievement they have made so far in their young lives and encourage them as they begin a life of public service. It is truly inspirational, and it is my favorite event of the year.

This year about 272 young Texans have answered the call to get a service academy education and a career in military service. It is a good deal if you can qualify for it because basically you get a free ride to one of these premier service academies, and we train the next generation of military leaders, which is good for all of us.

My wife Sandy and I look forward to this event each year, and we find that

Memorial Day is a fitting time to send off these young men and women, while we at the same time remembering the ultimate sacrifice made by those who gave their lives answering that same call to service.

I try to recruit a top-tier speaker to these events, somebody who will challenge and inspire these young men and women, and this year was no exception. ADM William McRaven, the Chancellor of the University of Texas System, spoke to these incoming midshipmen about lessons he learned in public service and his 37 years in the U.S. Navy as a Navy SEAL.

He spoke candidly that this would be the greatest challenge of their young lives but also the most rewarding. He said it would be a decision they would never regret. He also spent some time—appropriately, on Memorial Day—talking about the heroes who have sacrificed all to serve the military in the greatest country in the world. So all in all, Memorial Day was a great day, and it was a great event for these young men and women.

#### DEPARTMENT OF VETERANS AFFAIRS ACCOUNTABILITY AND WHISTLEBLOWER PROTECTION BILL

Mr. President, as we come back the week after Memorial Day, I know I am not the only one encouraged to find better and more effective ways to serve our country. Fortunately, this Chamber in the Senate will have a chance to do that. Soon we will vote on a bill that will reform the U.S. Department of Veterans Affairs, a Department riddled with inefficiencies and marked too often by scandal and corruption.

This is a huge government department. At last count, some 330,000 people worked for the Veterans' Administration and, unfortunately, we have all become familiar with the horror stories of fake scheduling, indicating that people actually were being seen who were not seen, huge wait times, and people literally dying as a result of not getting the treatment they earned by virtue of their service in the military through the Department of Veterans Affairs.

The legislation we will vote on is called the Department of Veterans Affairs Accountability and Whistleblower Protection Act. It will protect the Veterans' Administration employees who care deeply for veterans by protecting them as whistleblowers. It also provides managers with the tools they need to address poor performance and misconduct. To sum it up, this bill will make it easier for VA employees to be held accountable, and that is something the Veterans' Administration and our veterans desperately need, and it has for some time. It will make the VA work better for the men and women who have served us so well.

I should point out that at a time when I suspect people doubt whether there is any bipartisanship in the Congress or in Washington, this is a bipartisan piece of legislation. It was voted out of the Veterans' Affairs Committee

by a voice vote 2 weeks ago, which essentially is by unanimous consent.

It has growing support among groups focused on helping our returning warriors to get the treatment, care, and support they need. That is because the VA bill will do what it is supposed to do and, unfortunately, hasn't always done well, which is to serve our veterans.

Like all of us, I have the honor of meeting with our veterans regularly and working with them to help them succeed after giving so much of themselves to keep our country safe.

One other example of bipartisan legislation that was signed last week by the President of the United States is a bill called the American Law Enforcement Heroes Act, a bill that I introduced to help connect veterans to opportunities in law enforcement in their local communities. So it is another example—perhaps, not in the headlines. There is not a big partisan food fight over it. So maybe most people are not aware of it. But I think it is important to remind people that, amid all of the distractions they see in Washington and in the news, there is important work being done to benefit people who certainly deserve it, and that would be the case for our veterans.

I am thankful for the work of the chairman of the Senate Veterans' Affairs Committee, Senator ISAKSON, as well as the diligent and thoughtful work of the Senator from Florida, Mr. RUBIO, on this important veterans bill. I look forward to passing this bill soon.

Mr. President, I also look forward this afternoon to confirming the nominee for general counsel of the Central Intelligence Agency. Director Pompeo has been there for some time now, having been nominated by President Trump and confirmed. He is an outstanding choice to be the Director of the Central Intelligence Agency. Like every organization, it seems these days, the CIA needs a good lawyer to lead its effort to make sure that it conducts itself precisely in accordance with the rule of law.

Ms. Elwood is extraordinarily qualified. She served during the administration of President George W. Bush as Counselor to the Attorney General, Deputy Counsel to the Vice President, and Associate Counsel to the President. I am confident that she will serve as a sharp, independent mind to the CIA. I hope we will confirm Courtney Elwood soon, and I trust we will.

#### HEALTHCARE LEGISLATION

Finally, Mr. President, as we redouble our work on the failed ObamaCare law and seek to replace it with market-driven solutions so people can actually buy insurance they want at a price they can afford, I want to briefly remind my colleagues why we are fixing it. I alluded to that at the beginning, and I will close with a few more reminders.

Just last week it was reported that only three insurance companies that offered plans on the ObamaCare exchanges will return to the Houston

area in 2018. In 2016, just last year, there was more than twice that number. So we see that the pool of available choices for Americans on the exchanges has shrunk and continues to shrink in places such as Iowa, where it has gone away entirely and where there is no insurance company willing to sell insurance on the ObamaCare exchanges. Houston, after all, is the Nation's fourth most populous city. So if you see that sort of trend there, it can and will happen everywhere.

ObamaCare continues to fail the American people by not delivering on its promises. I have said before that in my previous life I was attorney general of the State of Texas. One of the most important jobs the attorney general's office does is consumer protection, protecting consumers from fraudsters and those who would try to deceive them and cheat them out of their hard-earned money. I have said, because I believe it to be true, that ObamaCare represents one of the largest cases of consumer fraud I have ever seen. When President Obama made the extravagant promises he made and yet we have the evidence of its failure, it is clear that the American people were misled when it came to ObamaCare.

Many people aren't getting the access to healthcare they thought, and those who are using ObamaCare exchanges are finding it increasingly expensive. The premiums, as I indicated earlier, have gone up 105 percent in 39 States with ObamaCare exchanges, since 2013 alone. Then, with the deductible, most people find that their out-of-pocket costs before the insurance actually kicks in keeps going up and up and up, to the extent that many people essentially find themselves without the benefit of the insurance they are paying so much for because the deductible is so high. We know the insurers on the exchanges just keep passing the cost on to the customer, with rate increases up almost 50 percent in many cases. That is just in the Houston area, which I am talking about. Obviously, the 105 percent in 2016 is a nationwide number. We know that nationwide, as well, only one in three counties has only one insurer on the ObamaCare exchange as of 2017. This is just simply unsustainable, and it is irresponsible.

That is why my colleagues and I are committed to doing something about it. Our friend, the Democratic leader, was in here claiming that the instability in the market and the fact that premiums are so high and insurance companies are leaving are as a result of the instability created by political uncertainty now. Well, that is clearly not the case. ObamaCare has been with us since 2016, and it has been a terrible failure for the people who buy their insurance on the individual markets. That is why we are committed to doing everything we can to replacing it with patient-centered options that actually work to help people get the type of coverage they want at a price they can afford.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FLAKE). Without objection, it is so ordered.

Mr. WYDEN. Mr. President, today the Senate will vote on the nomination of Courtney Elwood to be CIA general counsel. This is an important job that got even more important in the past week. As I will explain, this position may play a crucial role in determining whether history is erased or preserved for generations of Americans to come.

As Senators know, last week the current chair of the Senate Intelligence Committee demanded that several key government agencies get rid of their copies of the torture report prepared by Senator FEINSTEIN and her colleagues. I am going to take a few minutes to describe what this has to do with Courtney Elwood.

In short, it starts with the CIA's history of torture, which was carefully documented and sourced by the Intelligence Committee under Senator FEINSTEIN's leadership. This is the issue that is being debated—the CIA's history of torture. That is why it is critically important that the CIA get back its copy of the report. If Courtney Elwood is confirmed, the decision on whether to do so may be up to her. Here is why: The CIA Director, Mr. Pompeo, who said at his confirmation hearing that he would read the report, has gotten rid of the CIA's copy. He did so despite the fact that the current chair of the Intelligence Committee had no authority to demand that of him. Mr. Pompeo got rid of the report despite a personal promise to read it, and he did this even though it may have violated the law. It certainly violated a fundamental principle important to the American people that in this country, we don't erase history.

Now, this can be fixed. The CIA can get the report back. It can do what Senator FEINSTEIN told the government to do back in 2014, which is to distribute this report, read it, and learn from it. Will Director Pompeo get the report back on his own? There is no reason to think so. But if there is one thing Director Pompeo said again and again in his remarks during the confirmation process, it is that he told the Senate Intelligence Committee repeatedly that he is going to rely on the advice of his lawyers.

That is exactly where Courtney Elwood comes in. What will her advice be to Director Pompeo? What will she advise him about whether to allow this attempt to erase history to stand or whether it is going to get fixed and the report is going to be brought back? The Senate doesn't have any idea this morning. We do know that Ms.

Elwood's responses to questions on the torture issue were troubling and that we need to look at those responses in a whole new light based on what happened last week.

Ms. Elwood said that she read the unclassified executive summary of the torture report, but based on her responses to questions, the 500-page executive summary was not adequate for her. It was not sufficient for her to conclude whether the CIA's interrogation techniques violated the law. Clearly, she needed to read the classified report. Ms. Elwood, in both her written answers and at her hearing, said that she would read the classified report. But now, because of what the current chair of the Intelligence Committee and the Director of the CIA have done, it is not going to be available. It is not going to be available for her to read.

Many Members of this body have spoken out about the torture report and the need for its lessons to be learned so this country never again engages in the kind of illegal, damaging program that Senator FEINSTEIN has documented. But now there is an issue that goes beyond what the Senate has thought this was all about. Now there is an individual nominee for whom these lessons are critical. This nominee told our committee that she had not yet studied whether the CIA's torture techniques were legal. She told us she would read the report, and now the report is gone. What could be more troubling than that?

What is at issue here is one of the most disturbing and undemocratic events ever to take place in the U.S. Senate. The current chair of the Senate Intelligence Committee has told the executive branch to get rid of its copies of the report, and at least some of the agencies have sent their only copies to the committee. I am going to be clear: The current chair does not have the authority to do this.

First, in December of 2014, the full, final, classified report was filed as a Senate report. It is therefore not a committee document. Second, no one can retroactively change the status of a historical Senate report. The report was finalized, filed, and transmitted to the executive branch during the 113th Congress. Only in the 114th Congress did the current chair assume the chairmanship and begin to assert control over the report.

Think about the implications here. How can this body allow Members of Congress who don't like what a previous Congress has done to unilaterally try to erase history? How many other congressional reports would be at risk? There are other reports that have not yet been fully declassified. Should the Senate worry about whether or not they will be protected? Should Americans be concerned that the country's historical records are going to be erased before the public ever sees them?

My view is that this effort by the current chair of the committee is an

assault on one of the fundamental values of our democracy. In this country, we don't eradicate the historical record just because we find it uncomfortable. There is a reason insecure dictators do it, and there is a reason this kind of thing has never happened here. It is because we are a confident democracy that has always looked to our own history and all our flaws as we seek to build a better Nation.

We are better than this. I urge my colleagues to defend these principles. I urge them to vote against this nomination.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. COTTON. Mr. President, I wish to add my support this morning for Courtney Elwood as the next general counsel of the CIA—not that she really needs it. In her many years of public service and private practice, Courtney has earned the esteem of her colleagues across both parties and two administrations. David Kris, an Obama appointee, calls her “a first-class lawyer.” Ben Powell, a Bush appointee, calls her “one of the finest lawyers of her generation.” Caroline Krass, another Obama appointee, calls her “an excellent choice.” And Wan Kim, another Bush appointee, says she is “careful, brilliant, and highly accomplished.”

In other words, you don't need me to tell you Courtney Elwood is a first-rate attorney. In fact, you don't need anyone to tell you that because her accomplishments speak for themselves.

She graduated from Yale Law School in 1994 and went on to clerk for both Judge Mike Luttig on the Fourth Circuit and then-Chief Justice William Rehnquist at the Supreme Court. After spending some time in private practice, she worked for 6 years in the George W. Bush administration, rising from associate counsel to the President, to deputy counsel to the Vice President, to Deputy Chief of Staff and Counselor to the Attorney General.

We are not talking about a rookie lawyer who is inexperienced in the ways of Washington or in the corridors of power. Her commitment to the law is unquestioned and unquestionable. She is just the person we need for this position.

The general counsel of the CIA will help Director Pompeo navigate the many twists and turns of the thorny legal terrain as our intelligence community defends our country against a wide range of threats: terrorism, cyber warfare, and good, old-fashioned espionage. We need people of the highest caliber serving at our national security agencies, and there is broad agreement that Courtney Elwood fits the bill.

I am happy to support her nomination, and I thank her and her family for answering the call to serve once again.

(The remarks of Mr. COTTON pertaining to the introduction of S. 1297 are printed in today's RECORD under

“Statements on Introduced Bills and Joint Resolutions.”)

Mr. VAN HOLLEN. Mr. President, in the critical debate about the balance between national security and rights to privacy, the truth must be paramount. Time and again, President Trump has misled the American public about national security matters, including torture, surveillance, and intelligence. Trump has claimed that “torture works” and that “we should go much stronger than waterboarding,” despite widespread evidence that enhanced interrogation techniques are not effective in acquiring intelligence or gaining cooperation from detainees. Without any evidence, President Trump alleged that President Obama illegally wiretapped the phones of Trump Towers. Former FBI Director James Comey soundly rejected this conspiracy theory, a statement that likely played a role in his firing. President Trump repeatedly dismissed intelligence that Russia interfered in our 2016 elections and derided our intelligence community for its assessments. His rejection of truth, to stoke fear and resentment in the American public, is unethical and dangerous. It is a threat to American freedoms.

In this extraordinary environment, the CIA's leadership must not only provide objective and sound intelligence assessments to the President, it must faithfully ensure that the President is adhering to the law. The role of the General Counsel is particularly critical at this moment, when our sitting President has openly denounced or displayed alarming ignorance of existing laws on intelligence matters. As the CIA General Counsel's guidance is provided entirely in secret, with no public transparency, it is imperative that the American public have as clear an understanding as possible of the nominee's prior record of legal interpretation.

On this point, Courtney Elwood's history under President George W. Bush is troubling. At the Department of Justice, Ms. Elwood was involved in discussions regarding the legal justification for the “warrantless wiretapping program,” in which the Bush administration collected telephonic and email communications of U.S. persons on U.S. soil without a court order. The Bush administration, in memos that are now declassified, argued that the President has inherent constitutional power to monitor Americans' communications without a warrant in a time of war. Given the perennial nature of America's war footing, this argument afforded the President a virtually unlimited authority to surveil Americans. When asked for her views on this legal justification in testimony before the Senate Select Committee on Intelligence, Ms. Elwood asserted that the program was “carefully reasoned” and that the Justice Department was “thorough in its analysis.”

Ms. Elwood's record on torture is also cause for concern. While I was

pleased with Ms. Elwood's testimony that the reinstatement of torture would be illegal under existing law, I am concerned with her prior work on cases involving the detention of enemy combatants, military commissions, and the constitutionality of national security programs under President Bush. For these reasons, I cannot support her nomination.

Mr. COTTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CASSIDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HEALTHCARE LEGISLATION

Mr. CASSIDY. Mr. President, I am here to speak about a topic which, wherever I go, people speak about—the replacement of the Affordable Care Act or ObamaCare, as people call it. Clearly, we need action.

I had a Facebook post maybe a week or two ago from Brian in Covington, LA. He said: My family plan is \$1,700. The quote goes on to say how his family cannot afford that \$1,700.

Rates are going up, which I have said time and time again. My friend back in Baton Rouge, he and his wife are 60, 61. The quote for their insurance last year was \$39,000—for 1 year. That is clearly not affordable. This is not just in Louisiana; it is in Washington, DC, it is in California, it is across our Nation where individual market quotes are going up that they cannot support.

Most recently, Connecticut insurers—there are two—are proposing rate increases that are 15.2 percent and 33.8 percent, on average, respectively. They are quoting 22 percent over 2017. In Maryland, some insurers are going to raise rates as much as 59 percent for those individual plans.

I am a physician. I learned a couple of things in my 20 or 30 years of practice. One, to lower costs, the patient must have the power; and, two, the insurance must be affordable; and, three, that the insurance they receive must be adequate. President Trump totally got this. On the campaign trail, President Trump said time and again—what I call his contract with the voter. He wanted folks to maintain coverage with lower premiums, care for those with preexisting conditions, and eliminating mandates. I think President Trump just knew it. I shorthanded this, if you will, saying, if we focus on lowering premiums and making sure it passes the Jimmy Kimmel test. The late-night comedian, when his child was born with a terrible heart problem, immediately got the care that child needed. So if we can have insurance that passes the Jimmy Kimmel test—lowering premiums, taking care of the rest of President Trump's goals, then I think we can accomplish it. We need to talk to experts, actuaries, those who

design insurance plans, to make sure we come up with something.

There is something else the President said that I want to focus on. This is just before he took the oath of office. He said people covered under the law—meaning the Republican replacement—can expect to have great healthcare. “It will be much simplified.” One of the complaints about the Affordable Care Act is it is so complicated. Even online, 16 pages online, with your W-2, if you don’t get it, you get booted out. The President said we must have a much simpler way of going about this—much less expensive and much better.

What could this look like? Let me propose some conservative solutions that could be in a Republican plan that would achieve the President’s goal. First, the patient has to have the power. In my 30 years of practice, I found that if the patient has the power, the system lines up to serve her. One example is price transparency. If we can put in that a provider has to publish the provider’s price, so the patient getting the blood test knows the cost of the blood test at that moment and can compare it to someone down the street, we will lower cost.

One example just came up in a newspaper out of New Orleans. Nola.com is their website. A woman went in and got blood tests. She received a bill weeks later and her bill was for \$324. She found she could have gotten the same blood test for \$34 right down the street. A woman from Texas came up. She said she heard me speak of price transparency—the power of negotiating, if you will. The doctor ordered an MRI on her son’s shoulder. She called up the different places where she could have it done and she got a price of \$667. On my Facebook page is a little video of her speaking: I got it for \$667. Then I remembered what you said: If you pay cash, you get a discount. I called them back. I said, if I pay cash, will you give me a lower price? They said: Pay us cash, we will cut that \$667 to \$400. The patient had the power. So she ended up paying far less for the procedure the doctor ordered. That is one conservative solution, give the patient the power.

Secondly, let States innovate. We need to take all of this power that ObamaCare brought to Washington, DC, and push it back out to the States. If we do that, we are going to accomplish something. Let’s just acknowledge that there are 700,000 people or so in Alaska. If you took a map of the State of Alaska and put it over the lower 48, it would stretch from roughly Georgia to the Pacific Ocean. Washington, DC, has almost the same population as Alaska, and you can walk across the city in a morning. Clearly, you need different solutions for an area you can walk across and an area you cannot fly across in the same time that you would walk across Washington, DC. We have to return power back to the patients. We have to engage doctors and patients so those patients

with complex conditions get their healthcare managed. I use the example of a diabetic. She perhaps developed childhood diabetes, and now she is 35 years old. If a doctor is managing her condition, she works, stays at home, her complications are minimal, and her life is much better. If her condition is not managed, she comes to the emergency room three times a month with diabetes out of control. That just shoots a hole in the bucket of fiscal responsibility and also in her health. Instead of working, keeping a family, she is coming to the hospital, getting care through the emergency room, which she cannot afford to pay for, and that cost is shifted to everyone else. That is not the way to manage that. We need to engage doctors with patients.

Another conservative solution is we need more competition between insurers so there is not just one insurance company in the market that can therefore set prices but rather we have multiple. So if we give the patient the power by giving the patient a tax credit that she can use to purchase the insurance she wishes to have, that will create competition as more insurers enter the market. If we have that competition—those market forces—prices come down.

When the President said we have to make things simpler, I think that also includes how we enroll people in insurance. We figured that out on Medicare. Under Medicare, if someone turns 65, they are on Medicare. It could not be simpler. They get a letter. They are on Medicare. If they don’t want to, they can call: Hey, I don’t want to be on Medicare. But as a rule, they are on Medicare.

Fortune 500 companies have figured out the same thing. In order to enroll people into retirement plans they say: Listen, you are in the 401(k) plan unless you choose not to be. That makes it simpler to get a 95-percent enrollment in retirement plans. Now, you could say: Hey, listen, you have to fill out a bunch of forms. If you don’t fill out these forms, you are not going to be enrolled. But that would not work for Medicare. It would not work for 401(k)s. It has not worked under ObamaCare.

We need to take those same sort of solutions we have found for both Medicare and enrolling people in their retirement and do it for the Republican alternative.

The Republican alternative would say: We make it easy to enroll. You are in unless you are out. So if you are eligible for a tax credit, you would receive it. You would then have the insurance. If you were passive about it, you would have a default policy. But if you are active, you could do more with it. But by doing so, you actually increase the number of people insured.

Now, when you increase the pool of those insured, you lower premiums. We had Blue Cross look at our proposal to make it easy to enroll: You are in unless you are out. That would lower pre-

miums by 20 percent, just by expanding the number of those who are insured—20 percent.

So when President Trump says he wants to continue coverage, caring for those with preexisting conditions without mandates and lowering premiums, doing this feature where you are in unless you call us and tell us you don’t want to be and making it simple achieves all four goals.

We would increase coverage. By that, we would lower premiums, taking care of those with preexisting conditions. Now, again, it is using the mechanism that is already used in Medicare and in Fortune 500 companies, making it easy to enroll. There are some who don’t want to give States the options. They don’t want to give patients the options. They don’t want to make it simple to enroll. They want to replace, if you will, the tyranny of ObamaCare—where all of this power is taken to Washington, DC, and States and people were told what they had to do—with a different sort of tyranny, telling States what they can’t do.

I think we ought to give as much power to the States, as much latitude to the patients to come up with the solutions that work for them. That is the conservative way to go.

But I will say, in speaking with conservatives, that I very much invite our Democratic colleagues to come to the table. There are some of my Democratic colleagues who have said they just want Republicans to work through this, thinking that it might be a political train wreck that would work to their advantage. But in those States there are Americans whose premiums are becoming unaffordable.

I mentioned earlier that in Connecticut premiums are rising 15 and 34 percent this year. In Oregon, it is as high as 22 percent, and Maryland is as high as 60 percent.

Now, who cares if the person is a Democrat or a Republican? If her premium is increasing 60 percent, she cannot afford it. So I challenge my Democratic colleagues to get off the sidelines and engage. Try to do something not for political purposes but for the purpose of that person who is at home struggling to pay the bills and deciding that she can no longer afford insurance, but, perhaps unbeknownst to her, she has a cancer brewing inside her. Just when she decides she can no longer afford coverage because premiums have risen 60 percent, that is when her cancer is discovered.

We have to address this. It will take us on either side of the aisle—both Democrats and Republicans—to work together. I will finish with a quote from a fellow from Covington, Brian, on my Facebook page. He said that his family plan is \$1,700 a month, for him, his wife, and his two children. The ACA, the Affordable Care Act, or ObamaCare, has brought him to his knees. I hope we can get something done. The middle class is dwindling away. Can everyone just come together and figure this out?

This is a cry for help. It is a challenge to Republicans and Democrats to come up with a plan that is not a red plan or a blue plan but an American plan to address his needs, his wife's needs, and those similar to him across the country.

The PRESIDING OFFICER. The Senator from Louisiana.

#### HONORING THE GHOST ARMY

Mr. KENNEDY. Mr. President, thank you and Senator CASSIDY. We just came back, as we all know, from the Memorial Day recess. I wanted today not to only reflect on that but also to reflect on our anniversary of D-day and the day that our Allies invaded France in 1944. In doing so today, I would like to speak and pay tribute to all of those—including, but not limited to, Americans, but especially Americans—who risked their lives to defend our freedoms.

In particular, I come today to recognize a special group of dedicated soldiers. You probably have not heard of them, but they are referred to as the Ghost Army—the Ghost Army. This is a unit that served in World War II. It was comprised of the 23rd Headquarters Special Troops and the 3133rd Signal Service Company. The personnel of this U.S. Army unit were handpicked. They were handpicked for their artistic and creative characteristics, and you will see why in just a moment.

They handled top secret information, and they were among some of America's most promising artists, engineers, and signals professionals. The mission of the Ghost Army was very simple: Fool Adolph Hitler—fool Adolph Hitler by using what was called tactical deception. The Ghost Army's deceptive creation of fake battles, inflatable tanks, theatrical props, and other inventive equipment falsified troop movements, and had our enemies chasing ghosts—hence the name the Ghost Army.

Beginning in Normandy 2 weeks after D-day and ending in the Rhine River Valley, the Ghost Army staged over 20 fake battles—fake battlefield deceptions. The German Army did not know whether they were coming or going, thanks to the Ghost Army. These performances, of course, were illusions. They were called illusions by the soldiers. They occurred in the most dangerous spot in the war, on the frontline of battle.

Now, without the Ghost Army's dedication and fearless perseverance, Allied successes at the Battle of the Bulge and the final battles in Po Valley, Italy, would not have been possible. The 23rd unit was composed of only 1,184 men—1,200 men. They put themselves at risk every day at the forefront of danger, and they fought tirelessly. They used ingenious, innovative methods to mislead the enemy, ultimately leading the Allies to many victories in Europe. Because of their bravery, because of the bravery of the 1,200 men in the Ghost Army, up to 30,000 American soldiers and 10,000 German soldiers were able to return home alive.

So why are we waiting until today to honor these 1,184 brave Americans? Because until recently the Ghost Army's mission was classified. It was top secret. Nobody except the members of the Ghost Army knew anything about it. This has finally changed. That is one of the reasons I am here today. I am proud to be a cosponsor of the Ghost Army soldier bill, a bipartisan effort led by Senators MARKEY, COLLINS, and KING. This long overdue legislation will award a Congressional Gold Medal to the 23rd Headquarters Special Troops and the 3133rd Signal Service Company.

It is a privilege to share that, in my home State of Louisiana, the Ghost Army is being recognized at the New Orleans Museum of Art. Soldier's art is on display depicting many watercolor portraits, as well as graphite portraits, of civilians, soldiers, and refugees during World War II. It is a legacy that our great State now gets to honor.

Specifically, I want to recognize six brave men from Louisiana, my State, who were members of the Ghost Army. Hilton Howell Railey of New Orleans is a prominent journalist and the author of "Touch'd with Madness." He recruited several of the handpicked 23rd. Mr. Railey trained and deployed the 3133rd Signal Service Company, which served in Italy.

There is Jim Stegg of New Orleans, a longtime faculty member at Tulane. He was an artist; in fact, there is a retrospective of his work at the New Orleans Museum of Art's Ghost Army exhibit.

Also, there is Mr. Murphy P. Martin, of St. Martinville, LA; Mr. Thomas L. Raggio, of Lake Charles, LA; Mr. Roy L. Ravia, of Calcasieu Parish, in my State; Mr. Alvin J. Picard, of Vermilion Parish; and last but certainly not least, Mr. Anderson B. Wilson, of Slidell, LA.

Unfortunately, Mr. Wilson is the only Ghost Army soldier still alive in Louisiana. I had the rare privilege and the rare honor of speaking with Mr. Wilson this morning. In December of 1943, President Roosevelt authorized the Ghost Army unit. Only 2 weeks later, in January 1944, Mr. Wilson was on his way to Camp Mack Morris, TN, to join the Ghost Army. Who says the Federal Government can't move quickly when it wants to?

Mr. Wilson trained there until May, when his unit was shipped out of New York to Liverpool, England. It was the largest convoy that at the time had ever crossed the Atlantic Ocean. From there, Mr. Wilson and his team traveled more than any other unit. From England they went to France. They went to Belgium. They went to Holland. They went to Luxembourg, and they went to Germany.

Mr. Wilson and his comrades fought fearlessly through the war's end as members of the Ghost Army. In July 1945, Mr. Wilson finally came home. However, while he came home safely, he could not even disclose, he couldn't

even talk about—even to his own family—the honorable service unit he was a part of. Now, it is humbling to me to hear a man's sacrifice, to go through what he went through and not even be able to talk about it with his family, but he kept his word out of honor to his country.

The willingness of Mr. Wilson and his fellow soldiers to risk their own lives to defend the freedom we have today—well, it, too, is humbling.

Mr. Wilson returned home in 1945. And I hope he is listening right now. He has been a little under the weather. He was in the hospital when I spoke to him today. It wasn't until the 1990s, when Mr. Wilson was married with two grown children, that he could ever talk about his service to this great country, share his stories, share his experiences, share his fight to keep the freedoms all of us take for granted every day.

Mr. Wilson's story only gives a snapshot of the sacrifices and honorable work these men of the Ghost Army gave to the Allied forces victory. And I, for one—and I know all Americans join me—thank them for their service and for the freedoms they protected.

I am proud of this Ghost Army legislation, and I hope to see it move forward and pass so that these fine Americans can receive the recognition they have long deserved.

God bless the members of the Ghost Army. And if you are listening, Mr. Wilson, God bless you.

#### RECESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate recess until 2:15 p.m.

There being no objection, the Senate, at 12:01 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

#### EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the Elwood nomination?

Mr. WICKER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

The result was announced—yeas 67, nays 33, as follows:

[Rollcall Vote No. 139 Ex.]

#### YEAS—67

Alexander	Cassidy	Daines
Barrasso	Cochran	Donnelly
Bennet	Collins	Duckworth
Blunt	Corker	Enzi
Boozman	Cornyn	Ernst
Burr	Cortez Masto	Feinstein
Capito	Cotton	Fischer
Carper	Crapo	Flake
Casey	Cruz	Gardner